

May 12, 2006

SUBJECT: Notice of Intention Information Packet

Dear

In response to your recent request, we are enclosing a current Notice of Intention Information Packet for submittals to the Boundary Review Board. This packet includes:

- A Notice of Intention packet for new city incorporations and/or
- A Notice of Intention packet for annexations, mergers, assumptions, extensions, and similar actions

If you have questions about the Notice of Intention Information Packet or you would like additional information, please contact our office at 206-296-6800.

Sincerely,

Lenora Blauman  
Executive Secretary

NOTICE OF INTENTION FORMAT

(Annexations, Mergers, Consolidations, Extensions of Service Outside Corporate Boundaries, and all other actions *except* Incorporations and Formations)

Revised and Adopted May 2006

As prescribed by Chapter 36.93 RCW, a legally complete Notice of Intention to the Boundary Review Board shall be provided for the following proposed actions:

- Creation, incorporation, or change in the boundary, other than a consolidation, of any city, town, or special purpose district;
- Consolidation of special purpose districts, but not including consolidation of cities and towns;
- Dissolution or disincorporation of any city, town, or special purpose district, except that a board may not review the dissolution or disincorporation of a special purpose district which was dissolved or disincorporated pursuant to the provisions of chapter 36.96 RCW: PROVIDED, That the change in the boundary of a city or town arising from the annexation of contiguous city or town owned property held for a public purpose shall be exempted from the requirements of this section;
- The assumption by any city or town of all or part of the assets, facilities, or indebtedness of a special purpose district which lies partially within such city or town;
- The establishment of or change in the boundaries of a mutual water and sewer system or separate sewer system by a water-sewer district pursuant to RCW 57.08.065 or RCW 57.40
- The extension of permanent water or sewer service outside of its existing service area by a city, town, or special purpose district. The service area of a city, town, or special purpose district shall include all of the area within its corporate boundaries plus, (a) for extensions of water service, the area outside of the corporate boundaries which it is designated to serve pursuant to a coordinated water system plan approved in accordance with RCW 70.116.050; and (b) for extensions of sewer service, the area outside of the corporate boundaries which it is designated to serve pursuant to a comprehensive sewerage plan approved in accordance with chapter 36.94 RCW and RCW 90.48.110.

A legally complete Notice of Intention to the Boundary Review Board shall include the documentation outlined below, along with the \$50 filing fee required by state law (RCW 36.93.120). Eight copies of the Notice of Intention are required, assembled together in eight complete sets and all on 8 1/2 by 11 inch paper. Items submitted should be numbered in accordance with this format.

Please provide the name, title, and address of one person to whom notices, processes and other communications regarding this proposal should be directed. This person will assume the responsibility of distributing appropriate copies to all of initiator's interested parties.

I. ADVANCE COURTESY NOTIFICATION

In order to ensure that the Boundary Review Board will have adequate notification of a pending Notice of Intention, and in order for the Board to adequately inform stakeholders (e.g., government officials, community groups) of a pending Notice of Intention, the Boundary Review Board requests that all jurisdictions provide to the Board Advance Courtesy Notification of a pending action. This Advance Courtesy Notification package should include the following materials:

- A. A Letter of Intent to propose an action (e.g., annexation, assumption, merger). The letter should provide a brief description of the proposed action.
- B. A preliminary Legal Description
- C. A preliminary site Map/Vicinity Map

II. BACKGROUND/MAPS ...(Standard existing Notice of Intention language follows from this point)

A. Basic Information

1. A brief description of and reason for seeking the proposed action. Include a statement of the method used to initiate the proposed action (i.e., petition or election method), and the complete RCW designation.
2. A signed and certified copy of the action accepting the proposal as officially passed.  
**Important:** Please see NOTES on Page 7.
3. Certification of any petitions for municipal annexation, as required by state law (RCW 35A.01.040 (4)).
4. A copy of the State Environmental Policy Act (SEPA) Determination and current SEPA checklist with adequate explanations to answers, including Section D, Government Non-project Actions, when applicable, or Environmental Impact Statement (EIS) if prepared. (Not required for city annexations, which are exempt from SEPA)
5. The legal description of the boundaries of the area involved in the proposed action. This must be legible, on a separate page from any other document, and in a form capable of reproduction by standard photocopiers.

**Important:** Please see NOTES on Page 7.

B. Maps:

**Important:** Please see NOTES on Page 7.

1. Two copies or sets of King County Assessor's maps (only two rather than eight in case of assessor's maps) on which the boundary of the area involved in the proposal must be clearly indicated.
2. Vicinity map(s) no larger than 8 1/2 x 11 inches displaying:
  - a. The boundary of the area involved in the proposal.
  - b. The entity corporate limits in relationship to the proposal.
    - i. Major physical features such as bodies of water, major streets and highways.
    - ii. The boundaries of all cities or special purpose districts (to include, if applicable, any water, sewer, fire, school, hospital or library district) having jurisdiction in or near the proposal. Include all utility districts whose comprehensive plans include all or any part of the proposal, even if only in a planning area.
  - c. Surrounding streets must be clearly identified and labeled.
  - d. County and municipal urban growth area boundaries established or proposed under the Growth Management Act (GMA).
  - e. If a boundary service agreement has been formalized between two or more jurisdictions, that service line should be shown with the appropriate entity noted in each service area.
  - f. Tax lot(s) that will be divided by the proposed boundaries should be shown on an attached detailed map.
3. A map of the current corporate limits of the filing entity upon which the proposal has been delineated.

**Important:** Please see NOTES (Page 7).

### III. EVALUATION CRITERIA

Entities should respond to the following elements regarding this proposal with sufficient information to permit appropriate responses to the Board from staff of either the King County Council or King County Executive. These elements relate to the factors the Board must consider as outlined in RCW 36.93.170 (attached).

#### A. Overview

1. Population of proposal; what percentage is that to existing entity?
2. Territory (number of acres)
3. Population density
4. Assessed valuation

#### B. Land Use

1. Existing
2. Proposed: immediate or long-range

#### C. State Growth Management Act

1. Is the proposed action in conformance with the Growth Management Act (GMA)? What specific policies apply to this proposal?
2. King County Comprehensive Plan/Ordinances
  - a) How does County planning under the Growth Management Act (GMA) relate to this proposal?
  - b) What King County Comprehensive Plan policies specifically support this proposal?

**Note:** Notices of Intention for Municipal actions should reference, at a minimum, relevant policies from the following King County Comprehensive Plan Chapters: Chapter 1 - Regional Planning; Chapter 2 - Urban Communities (Section I; Section II); Chapter 7 - Utilities and Facilities.

Notices of Intention for Special Purpose District actions should reference, at a minimum, relevant policies from the following King County Comprehensive Plan Chapters: Chapter 1 - Regional Planning; Chapter 2 - Urban Communities (Section I; Section II); Chapter 7 - Utilities and Facilities.

- c) What King County/Countywide Planning Policies specifically support this proposal?

**Note:** Notices of Intention for Municipal actions should reference, at a minimum, relevant policies from the following King County/Countywide Policies Chapters: Chapter II - Critical Areas; Chapter III Land Use Patterns; Chapter IV - Transportation; Chapter V Section D - Community Character and Open Space; and Chapter VII - Contiguous Orderly Development and Provision of Urban Services.

Notices of Intention for Special Purpose District actions should reference, at a minimum, relevant policies from the following King County/Countywide Policies Chapters: Chapter II - Critical Areas; Chapter III - Land Use Patterns; and Chapter VII - Contiguous Orderly Development and Provision of Urban Services.

- d) What is the adopted plan classification/zoning? (Please include number of lots permitted under this classification.)
  - e) Will city regulation(s) supplant King County regulations for the protection of sensitive areas, preservation of agricultural or other resource lands, preservation of landmarks or landmark districts, or surface water control? If so, describe the city regulations and how they compare to the County regulations.

#### D. Jurisdictional Comprehensive Plan/Franchise (Applies to Cities and to Special Purpose Districts)

1. How does the jurisdiction's planning under the Growth Management Act (GMA) relate to this proposal?
2. Has the jurisdiction adopted a Potential Annexation Area (PAA) under the Growth Management Act? Have you negotiated PAA agreements with neighboring cities?

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3. When was your Comprehensive Plan approved? Does this plan meet requirements set by the State of Washington? Does this plan meet requirements set by King County?
4. Is this proposal consistent with and specifically permitted in the jurisdiction's adopted Comprehensive Plan, or will a plan amendment be required? If so, when will that amendment be completed?

**Note:** The proponent is required to provide written confirmation that the jurisdiction's Comprehensive Plan is current and that the Plan confirms the jurisdiction's authority to change or create new boundaries.

A proponent representing a city shall ensure that the City Comprehensive Plan is on file with the Office of the King County Executive Office of Management and Budget (Elissa Benson) or shall provide a copy of the current Comprehensive Plan with the Notice of Intention.

A proponent representing a Special Purpose District shall ensure that the Special Purpose District Comprehensive Plan is on file with King County Natural Resources and Parks Department or shall provide a copy of the current Comprehensive Plan with the Notice of Intention.

5. Is a franchise required to provide service to this area? If so, is the area included within your current franchise?
  6. Has this area been the subject of an Interlocal Agreement? If so, please enclose a signed copy of the agreement.
  7. Has this area been the subject of a pre-Annexation Zoning Agreement? If so, please enclose a signed copy of the agreement.
  8. What is the proposed land use designation in your adopted Comprehensive Plan? When were your proposed zoning regulations adopted?
- E. Revenues/Expenditures Planning Data (please respond to only those questions which are relevant to the proposal.)
1. Estimate City expenditures
  2. Estimate City revenues to be gained
  3. Estimate County revenues lost
  4. Estimate County expenditure reduction
  5. Estimate fire district revenue lost
  6. Estimate fire district expenditure reduction

F. Services **Important:** Please see NOTES (Page 7).

State whether the territory that is the subject of this action is presently within the service area of any other political subdivision or presently being served by any other political subdivision?

If so, please identify the other political subdivision. Please provide written documentation confirming that:

- Notification of the proposed annexation, assumption, merger or other action has been provided to that political subdivision;
- The other subdivision has completed action to approve/consent or deny approval/consent for the withdrawal of this territory;
- Transfer of territory has been accomplished in accord with applicable state law (e.g., RCW 36.93, RCW 35A.14, RCW 35.14).

State whether the proposed action would result in a change in any of the following services. If so, provide the following detailed information both on current service and on service following the proposed action, in order to allow for comparison. If there would be no change, name current service providers.

1. Water
  - a) Directly or by contract?
  - b) Storage location(s), capacity?
  - c) Mains to serve the area (diameter; location)
  - d) Pressure station location and measured flow
  - e) Capacity available?
  - f) Water source (wells, Seattle, etc.)
  - g) Financing of proposed service (LID, ULID, Developer Extension, etc.)
2. Sewer Service
  - a) Directly or by contract?
  - b) Mains to service the area (diameter; location)
  - c) Gravity or Lift Station required?
  - d) Disposal (Metro; city or district treatment plant)?
  - e) Capacity available?
3. Fire service
  - a) Directly or by contract?
  - b) Nearest station(s)
  - c) Response time?
  - d) Are they fully manned? How many part time and full time personnel?
  - e) Major equipment at station location (including type and number of emergency vehicles)?
  - f) How many fully certified EMT/D-Fib personnel do you have?
  - g) What fire rating applies?
  - h) Source of dispatch?

G. General

1. In case of extensions of services, has an annexation agreement been required? If so, please attach a recorded copy of this agreement.
2. Describe the topography and natural boundaries of the proposal.
3. How much growth has been projected for this area during the next ten (10) year period? What source is the basis for this projection?
4. Describe any other municipal or community services relevant to this proposal.
5. Describe briefly any delay in implementing service delivery to the area.
6. Briefly state your evaluation of the present adequacy, cost, or rates of service to the area and how you see future needs and costs increasing. Is there any other alternative source available for such service(s)?

III. OBJECTIVES

Please evaluate this proposal based upon the objectives listed in RCW 36.93.180. Describe and discuss the ways in which your proposal is related to and supports (or conflicts with) each of these objectives.

## NOTES

1. Action documents: Action documents – ordinances or resolutions – may include a date for finalization of the annexation, merger or incorporation. When planning the date of finalization, you are encouraged to coordinate with the King County Office of Management and Budget (OMB). OMB staff is responsible for providing for transfer of public services from the County to the City. It is important that OMB have sufficient time to execute an orderly transition of services prior to finalization of the action in order to ensure protection of public health and safety.

2. Legal Description:

Please be advised that:

- All Notices of Intention must conform to the requirements prescribed by RCW 36.93.150 as follows:  
**“Review of proposed actions -- Actions and determinations of board -- Disapproval, effect.**  
The board, upon review of any proposed action, shall take such of the following actions as it deems necessary to best carry out the intent of this chapter: (1) Approve the proposal as submitted. (2) Subject to RCW 35.02.170, modify the proposal by adjusting boundaries to add or delete territory. . . . However, a board shall remove territory in the proposed incorporation that is located outside of an urban growth area or is annexed by a city or town . . . .”
- All Notices of Intention must conform to the requirements prescribed by RCW 36.93.157 as follows:  
**“Decisions to be consistent with growth management act.** The decisions of a boundary review board located in a county that is required or chooses to plan under RCW 36.70A.040 must be consistent with RCW 36.70A.020, 36.70A.110, and 36.70A.210. ”
- **All Notices of Intention must be based upon boundaries which conform to the Urban Growth Area Boundaries.** For detailed information concerning the Urban Growth Area boundaries please see King County website.
- Submittal of legal description for checking with the King County Engineer prior to filing a notice of intention can save time because errors can then be corrected at that preliminary stage to avoid delays in processing the formal Notice of Intention. For assistance in this, please call the King County Road Services Division, (206) 296-3731.

3. Services: Proposed action(s) from those entities providing both sewer and water service must state clearly whether this proposal is for water service, sewer service, or both.
4. Vicinity Map: The scale on any vicinity map must be adequate to permit anyone to locate the proposal when driving to the area.
5. In cases of overlapping governmental jurisdictions, please prepare more than one map to indicate all affected units of government.

For example, a second map might be required to display sewer district boundaries, and a third map may display water district boundaries IF there is more than one purveyor within one-half mile of the proposal. If a proposal lies entirely within any service district, such as a school district, the map should so indicate.

All maps must be original documents that are clear, legible, and suitable for reproduction. All maps must be drawn at the same scale.

6. Assessor's Maps: Assessor's maps must be marked in a manner that ensures that details are legible and understandable to the general reader. The Board may accept a map other than an Assessor's map(s) if the use of Assessor's map(s) is impractical.
7. Mapping Alternatives: Any questions regarding maps, including alternatives to mapping requirements, should be directed to the Boundary Review Board staff.

THE BOUNDARY REVIEW BOARD WILL BE PLEASED TO ASSIST THE APPLICANT TO ENSURE THAT PROPOSALS ARE COMPLETE PRIOR TO OFFICIAL FILING.

THE BOARD CANNOT ACCEPT INSUFFICIENT PROPOSALS (E.G. PROPOSALS SUBMITTED WITH INCOMPLETE INFORMATION OR INADEQUATE MAPS). INCOMPLETE PROPOSALS MUST BE RETURNED TO THE SUBMITTING ENTITY.

## REFERENCE GUIDE

### REGULATIONS AND GUIDELINES FOR ANNEXATIONS, MERGERS AND INCORPORATIONS

As you prepare your Notice of Intention packet, we encourage you to consider all applicable state and local standards and to address those matters in your application materials. Following is a listing of policy guidelines and regulations which may be particularly relevant to your application:

- Growth Management Act (RCW 36.70A): Mandates extensive comprehensive planning effort to meet specific statewide goals. Requires land designations and planning implementation consistent with adopted comprehensive plan
- Boundary Review Board Act (RCW 36.93): Reviews growth and development in unincorporated areas of counties through decisions on city, town and special purpose district annexations, incorporations, mergers and extensions of water and sewer lines. Establishes requirements for applications and criteria for review of annexations, incorporations, mergers and extensions
- Cities and Towns (RCW 35 – Sections 35.01 – 35.30): Provides for clear and uniform processes for municipal incorporations, disincorporations and annexations for land areas. Also addresses some requirements for water and sewer districts (Also see RCW 57.24).
- Annexation by Code Cities (RCW 35A.14): Establishes authorities and processes for annexations by petition and annexations by election.
- Annexation of Territory – Water and Sewer Districts (RCW 57.24): Provides for clear and uniform processes for water and sewer district annexations. Establishes authorities and processes for annexations by petition and annexations by election. (Also see RCW – Chapter 35).
- State Environmental Policy Act (RCW 43.21C): SEPA is Washington's fundamental environmental law and requires environmental analysis of actions for both physical and policy changes affecting the environment. SEPA may not be required for particular annexation or incorporation activities.
- King County Comprehensive Plan – King County Countywide Plan Policies: King County's adopted comprehensive plan. Policies provided to meet specific statewide goals. Provides land designations and planning implementation policies within adopted comprehensive plan.



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## **KING COUNTY COUNCIL**

### **MUNICIPAL ANNEXATION GUIDELINES**

THE KING COUNTY COUNCIL CLERK AND THE PROSECUTING ATTORNEY'S OFFICE HAVE PREPARED THE FOLLOWING MATERIALS TO GUIDE CITIES AND SPECIAL PURPOSE DISTRICTS THROUGH THE KING COUNTY COUNCIL REVIEW PROCESS FOR MUNICIPAL ANNEXATIONS.

FOR QUESTIONS – PLEASE CONTACT ANNE NORIS, COUNTY COUNCIL CLERK AT 206-296-1020

## **MUNICIPAL ANNEXATIONS**

On May 16, 2003 Governor Locke signed SSB 5409 which adopts a new petition method of annexation. The law is effective immediately.

The new petition method set forth in SSB 5409 is much like the previous method, which was struck down by the State Supreme Court in Grant Cty. Fire Protection Dist. v. City of Moses Lake. In the new method, an annexation petition must be signed by a majority of the property owners owning a majority of the area *and* a majority of the registered voters in an area. If the land is vacant (no registered voters), then a majority of the property owners is sufficient. School districts are permitted to submit a petition signed by the school board president. The new method specifies what kind of information (map, zoning, bonded indebtedness, legal description, state statute, etc.) must be contained in the petition

The County review process for municipal annexations by petition is described below. The Boundary Review Board must continue to review annexations, as prescribed by RCW 36.93.

The provisions of the new law apply to both non-code cities (RCW Chapter 35.13) and charter or non-charter code cities (RCW Chapter 35A.14)

1. A Notice of Intention is submitted to the City Council. This initial notice must be signed by 10% of the residents or owners of not less than 10% of the acreage of the area. Then:
  - The City Council decides whether to accept, reject or modify the annexation proposal. The Council must decide within 60 days of receipt of an annexation proposal.
  - If the City Council decides to move forward with an annexation, it must also determine what zoning will be implemented upon annexation and whether the annexed area will be required to assume its share of existing city indebtedness.
  - If the City decides to move forward, a petition is circulated. The petition must be signed by a majority of owners of a majority of the acreage and a majority of the registered voters.
  - Once the petition has been validated, the City Council passes an ordinance annexing the area and setting forth the effective date (date at which it transfers from county to city ownership).
2. The City files a certified copy of the ordinance with the County Council.
3. The City files a Notice of Intention with the Boundary Review Board (BRB).
4. The County Clerk's Office will receive a letter from BRB including the Notice of Intent package and assigning a file number.
5. The County Clerk's Office receives "notification of official filing" letter from BRB, which sets the 45-day period for BRB review.
6. The County Clerk's Office receives BRB closing letter.
7. The County Clerk's Office closes file.

### **MUNICIPAL ANNEXATIONS BY ELECTION**

1. The City will pass a resolution which will call for an election to submit to the voters a proposal for annexation and may also direct that a Notice of Intention be filed with the Boundary Review Board (BRB). A certified copy of the Resolution must be filed with the King County Council (Clerk's Office) and the BRB. (RCW 35A.14.015.)
2. The Clerk's Office will send an acknowledgment of receipt of the Resolution and also a copy of this Memorandum.
3. The Clerk's Office receives a letter from BRB including the Notice of Intention package and assigning a file number.
4. The Clerk's Office receives "notification of official filing" letter from BRB, which sets the 45-day period for BRB review.
5. During the 45-day review period, Council staff prepares draft ordinance (without date for election) and holds draft until city sets date for election, after BRB review is completed. No other Council action can take place during the 45-day review period.
6. Clerk's office receives BRB closing letter.
7. City passes a resolution indicating its preference for a special election date for the submission of the proposal, with any modifications made by the BRB. The City transmits the Resolution to the Council (RCW 35A.14.050[3]).  
  
After receipt of the Resolution, Council staff completes the draft of the proposed ordinance, including the preferred election date, obtains introduction slip, and monitors progress of the ordinance through the legislative process. Council will review and take action on the ordinance. These actions can take place during the 60-day waiting period following the completion of the BRB 45-day review period.
8. Clerk's Office transmits effective ordinance to Elections Department.
9. Election is held in accordance with the ordinance.
10. After Clerk's Office receives Certification of Election, the Council enters a finding on the results of the election and sends a certified copy of the minutes at which the finding was made, together with a copy of abstract of the vote (Certification of Election) to the City.
11. The County Clerk's Office closes file.